

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**IN RE:**

**AUTOVOCITY TRANSPORT, LLC**

**Debtor**

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§  
§  
§  
§

**CASE NO. 22-33814**

**CHAPTER 11**

**EMERGENCY MOTION FOR AUTHORITY TO USE CASH COLLATERAL**

**THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.**

**EMERGENCY RELIEF HAS BEEN REQUESTED. IF THE COURT CONSIDERS THE MOTION ON AN EMERGENCY BASIS, THEN YOU WILL HAVE LESS THAN 21 DAYS TO ANSWER. IF YOU OBJECT TO THE REQUESTED RELIEF OR IF YOU BELIEVE THAT THE EMERGENCY CONSIDERATION IS NOT WARRANTED, YOU SHOULD FILE AN IMMEDIATE RESPONSE.**

**REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.**

**TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:**

COMES NOW, Autovocity Transport, LLC ("Debtor") and files this Emergency Motion for Authority to Use Cash Collateral pursuant to 11 U.S.C. § 363. The Debtor presents this motion and respectfully represents the following:

1. On December 22, 2022 ("Petition Date"), the Debtor filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§ 101-1532 ("Bankruptcy Code") and is now operating its business as a Debtor-In-Possession.

2. The Debtor continues to manage and operate its business as Debtor-In-Possession pursuant to §§1107 and 1108 of the Bankruptcy Code. No creditors' committee has been appointed in this case by the United States Trustee.

3. A search in the Texas Secretary of State shows that allegedly secured positions are held by (1) U.S. Small Business Administration; (2) MCA Servicing; (3) Samson Horus, (4) Byzfunder, (5) Simply Funding, (6) Vivian Capital, (7) Vault 26 Capital, (8) Novus Capital, and (9) G and G Funding Group LLC (*see* Exhibit “B”).

4. Debtor seeks to use the cash collateral for expenses set forth on Exhibit “A” and any other unforeseeable expenses that may arise and pose a threat to the Debtor’s continued operations.

5. **Emergency Consideration:** Emergency consideration is requested because the Debtor depends on the use of cash collateral for payroll, supplies, and other general operating expenses. If the Debtor is unable to use cash collateral, it will be forced to cease operations.

6. It is critical to the operation of the Debtor’s business, and to its reorganization efforts, that it be permitted to pay these expenses using cash collateral. The Debtor produces revenue from its transportation business and would use such revenue to pay the budgeted expenses.

7. Attached as Exhibit “A” is a 14-day and 30-day budget for the Debtor, showing projected income and expenses. The amounts listed are reasonable and good faith estimations of what the Debtor needs to spend each month to continue the operations of its business and reorganize.

8. In addition to Exhibit A, the following Exhibit is also attached:

Exhibit B

UCC Lien Search

Exhibit C

Declaration of Rafael Dominguez

9. Debtor requests authority to use the cash collateral for expenses set forth on Exhibit “A” and any other unforeseeable expenses that may arise and pose a threat to the Debtor’s continued operations. Specifically, the Debtor requests authority to use the cash collateral to pay up to 110% of each expense in Exhibit A, so long as the total of cash collateral spent during the month does not exceed by more than 5% of that month’s total in Exhibit A.

WHEREFORE, PREMISES CONSIDERED, the Debtor requests this matter be set for an emergency hearing and that upon hearing, the Court will enter an Interim Order authorizing the Debtor’s use of the cash collateral in the amounts set forth in Exhibit “A” and for such other and further relief as the Debtor may show itself justly entitled.

Respectfully submitted,

THE LANE LAW FIRM, PLLC

/s/Robert C. Lane

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(713) 595-8201 Facsimile

PROPOSED COUNSEL FOR DEBTOR

**CERTIFICATE OF CONFERENCE**

I, Attorney Joshua Gordon certify that on December 23, 2022, my office sent electronic correspondence to the following parties who may have an interest in cash collateral:

U.S. Small Business Administration - chad.cowan@usdoj.gov

MCA Servicing - info@MCAservicingcompany.com

Samson Horus - info@samsonfunding.com

Byzfunder - uw@byzfunder.com

Simply Funding - info@simplyfunding.com

Vivian Capital - mose@viviancapitalgrp.com

Novus Capital - info@novuscapfunding.com

G and G Funding Group LLC - info@gandgfunding.com

/s/ Joshua Gordon  
Joshua Gordon

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Emergency Motion for Authority to Use Cash Collateral was served upon the US Trustee and to the parties listed on the service list below and the attached mailing matrix either via electronic notice by the court's ECF noticing system or by United States first class mail, postage prepaid, on December 23, 2022:

Debtor:

Autovocity Transport, LLC  
2925 Richmond Ave, Ste 1200  
Houston, TX 77098

US Trustee:

Office of The United States Trustee  
515 Rusk Street, Suite 3516  
Houston, TX 77002

/s/Robert C. Lane  
Robert C. Lane

Label Matrix for local noticing  
0541-4  
Case 22-33814  
Southern District of Texas  
Houston  
Fri Dec 23 07:41:38 CST 2022

AutoVocity Transport, LLC  
2925 Richmond Ave. Suite 1200  
Houston, TX 77098-3143

4  
United States Bankruptcy Court  
PO Box 61010  
Houston, TX 77208-1010

G&G Funding  
57 West 57th Street 4th Floor  
New York, NY 10019-2827

Internal Revenue Service  
P.O. Box 7346  
Philadelphia, PA 19101-7346

Novus Capital Funding  
7 Elmwood Drive Suite 301  
New City, NY 10956-5144

Rafael Dominguez, Jr  
419 E. 24th  
Houston, TX 77008-2348

Regus Management Group LLC  
15305 North Dallas Parkway 400  
Addison, TX 75001-6922

Samson MCA LLC  
17 State Street 6th Floor  
New York, NY 10004-1501

Simply Funding LLC  
45 Broadway Suite 2450  
New York, NY 10006-3760

Texas Workforce Commission  
PO BOX 12548, MC-008  
Austin, TX 78711-2548

The Lane Law Firm  
6200 Savoy Dr Ste 1150  
Houston, TX 77036-3369

U.S. Small Business Administration  
1545 Hawkins Blvd 202  
El Paso, TX 79925-2654

US Trustee  
Office of the US Trustee  
515 Rusk Ave  
Ste 3516  
Houston, TX 77002-2604

Vault Capital  
506 2nd Ave Unit 2200  
Seattle, WA 98104-2359

Vivian Capital Group  
486 Market St  
Newark, NJ 07105-2916

Robert Chamless Lane  
The Lane Law Firm  
6200 Savoy Drive  
Ste 1150  
Houston, TX 77036-3369

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)AutoVocity Transport, LLC  
2925 Richmond Ave. Suite 1200  
Houston, TX 77098-3143

End of Label Matrix  
Mailable recipients 16  
Bypassed recipients 1  
Total 17